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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,449	04/19/2001	Scott Elliot Axelrod	YOR920000210US2	2286

7590 09/01/2005

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Fairfield, CT 06430

EXAMINER
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STEVENS, THOMAS H

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,449

Applicant(s)

AXELROD ET AL.

Examiner

Thomas H. Stevens

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-23 and 25-50 is/are allowed.
- 6) ☒ Claim(s) 1-15 and 24 is/are rejected.
- 7) ☒ Claim(s) 51-55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-60 were examined.

### ***Section I: Response to Applicants' Arguments (1<sup>st</sup> Office Action)***

#### ***Information Disclosure Statement***

2. Applicants are thanked for addressing this issue. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### ***Specification/Drawings***

3. Applicants are thanked for addressing this issue. Objections are withdrawn.

**112 2<sup>nd</sup>**

4. Rejections are withdrawn.

**101**

5. Applicants are thanked for addressing this issue. Rejections regarding claims 1-60 are withdrawn for the reasons stated in the previous office action. However claims 1-14, claim 1 specifically, fail to recite any post-solution activity. Rejection stands.

**102(b)/103(a)**

6. Rejections are withdrawn.

**Section II: Non-Final Rejection (2<sup>nd</sup> Office Action)**

**Claim Objection**

7. Webster's Dictionary definition of *System*: *A group of interacting, interrelated, or interdependent elements forming a complex whole.*

Claims 51-55 are objected to since a system, in terms of patentability, is a method or an apparatus. Some of the claims, i.e., claim 52, reflect this ambiguity.

**Claim Rejections - 35 USC § 101**

Claims 1-15 are rejected under 35 U.S.C. 101 because of their lack of post-solution activity. Specifically, for example, claim 1 is a listing of actions without an end result. Suggestion:

*Claim 1. A method comprising the steps of: creating an evaluation model from at least one evaluation phone; creating a synthesizer model from at least one synthesizer phone; and determining a matrix from the evaluation and synthesizer models to improve language selection.*

**Claim Rejections - 35 USC § 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

9. Claim 24 is rejected under 35 U.S.C. 102(e) as being anticipate by Sabournin et al., (U.S. Patent 6,073,099 (2000)) {hereafter: Sabournin}. Sabournin discloses a

Art Unit: 2123

confusability tool that generates a confusability cost associated with two phonemic transcription (abstract) with the ability of generating a metric of the likelihood of confusing two words (column 1, lines 37-39).

***Section III: Allowable Subject Matter***

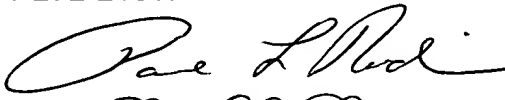
10. Claims 16-23 and 25-50 would be allowable over the prior art of the last office action. For other issues and/or concerns, the applicants are encouraged to call the examiner for an informal interview.

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (8:00 am- 4:30 pm EST) or contact Supervisor Mr. Leo Picard at (571) 272-3749. Central Fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

August 10, 2005

  
Paul L. Rodriguez 8/26/05  
Primary Examiner  
Art Unit 2125

THS